



GUARANTEES FOR THE WORKERS WITH FAMILY RESPONSIBILITIES IN LITHUANIA

Ingrida Mačernytė Panomariovienė
Mykolas Riomeris University, Lithuania
ingridam@mruni.lt

The Purpose is to identify the gaps in the Lithuanian law, which impede the implementation of the principle “work-life balance”, and to provide the suggestions for granting workers with certain guarantees if they attempt to reconcile work and family responsibilities.

Design/methodology/approach - The research invokes the following joint methods of the scientific knowledge and interpretation of legal norms: linguistic, systematic, logical and analytical-critical.

Findings – The analysis of the European Union and International labour standards, which determine basic human rights and principles, has encountered in the Labour Code of the Republic of Lithuania and revealed a number of problems concerning the implementation of employee’s (both men and women) rights with family responsibilities. They all will be discussed in this article.

Research limitations/implications – According to the Appendix of the European Social Charter (revised, 1996), the concept of “family responsibilities” has to be interpreted as the responsibilities of men and women workers concerning maintenance of their dependent children and other close family members, who need immediate care for and protection (support). The object of the Paragraph 3 Article 27 of the European Social Charter (revised) and Convention No. 156 of the International Labour Organization is to prevent these responsibilities from restricting workers’ possibilities of preparing for, entering, participating in or advancing in economic activities. The concept of “family responsibilities” is not defined in the regulatory acts of Lithuanian law, therefore, both “responsibilities” and “persons who can implement these responsibilities” are interpreted differently in various legal acts. Current legal framework has been developed and is applied to the “workers with family responsibilities” in a narrow sense. The article will



discuss such concepts as “family responsibilities”, “persons who implement such responsibilities” and concrete guarantees which are granted to persons performing these duties in order they do not encounter difficulties in getting the job, at work, making the career or in order family responsibilities do not constitute a valid reason for the termination of employment, and etc. The main question of the research is whether the persons with family responsibilities are guaranteed the rights under both European Union and International labour standards, whether they are safe and calm knowing that family responsibilities will not impede them from getting employed or will not become a reason for the termination of the employment?

Practical implications – The article will provide concrete suggestions on the improvement of the regulatory acts of Lithuanian law.

Originality/Value – Lithuania has implemented a number of projects “Work-Life Balance” and has approved WORK-LIFE BALANCE MODEL OUTLINE under the European Commission Initiative EQUAL Thematic Areas “Work-Life Balance”. Moreover, a substantial number of scientific research have been conducted and publications released, for example, the research on “Dilemmas and Opportunities of Work & Life Balance” under the support of the program of the Initiative EQUAL of the European Commission, The Study of Work-Family Balance Opportunities in Lithuania, Czech Republic, Spain and Germany (G. Malinauskas, 2006), Implementation of Family-Friendly Policy In Lithuania: Challenges and Opportunities (R. Jančaitytė, 2006), The Dilemma of Reconciliation of Work and Family Roles, The Role of the State and the Employers In Creating A Family-Friendly Environment (J.Reingardė, 2006), Reconciliation of Work and Family Life Including Maternity/Paternity/Parental Leave And Career Breaks (2009), the Study On “Analysis of the Model of Work-Family Interface And Application of Continuity And Flexible Work Organization Forms” (2012) under the project “Employers For Family-Friendly Workplace” and other publications including suggestions on the specific arrangements for the implementation of the principle “work-life balance”. However, until now the scientific perspective of Lithuanian law had no complex research and none of the previous works had included comprehensive legal analysis concerning the compliance of the Labour Code of the Republic of Lithuania and other certain regulatory acts with the implementations of equal opportunities and the principle of “work-life balance”. Nobody has analyzed legal guarantees for workers with family responsibilities, except the scientific study on “Labour, Family and Social Protection: Problems of Human Rights



Protection in 2008-2012” (2013)¹, which provides fragmentary gaps in the application of certain provisions in Lithuania. The article identifies groups of workers with various family responsibilities and provides gaps in legal regulation on unequal guarantees for persons when the duties are performed for other family members, the workers with dependent children in respect with their marital status, family composition and number and age of children.

Keywords: family responsibilities, family members, labour relations, principle “work-life balance”, equal opportunities.

Research type: research paper.

¹ E.Kavoliūnaitė-Ragauskienė, I.Mačernytė Panomariovienė, V.Petrylaitė. „Darbas, šeima ir socialinė apsauga: žmogaus teisių užtikrinimo 2008-2012 metais problemos“ [Mokslo studija], V., 2013, P.14-18, 26-27.ISBN 978-9986-704-24-9 (Internetinis leidinys);